



Harty's failure to allege a sufficient injury in fact. The court has reviewed the amended complaint under the governing standard. See, e.g., Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555–56, 563 (2007); Coleman v. Md. Ct. of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), cert. granted, 131 S. Ct. 3059 (2011); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008); Goodman v. Praxair, Inc., 494 F.3d 458, 464 (4th Cir. 2007) (en banc); Kloth v. Microsoft Corp., 444 F.3d 312, 319 (4th Cir. 2006). Waffle House's motion to dismiss pursuant to Rule 12(b)(6) is denied.

In sum, defendant's motion to dismiss [D.E. 6] is DENIED. Defendant's motion to stay proceedings [D.E. 10] is DENIED AS MOOT.

SO ORDERED. This 30 day of September 2011.

  
JAMES C. DEVER III  
United States District Judge